

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:23-CV-059-KDB-DCK**

CROWN EQUIPMENT CORPORATION,)	
)	
Plaintiff,)	<u>ORDER</u>
)	
v.)	
)	
DAVID BRADY, et al.,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on Defendants’ “Motion For Leave To Amend Third-Party Complaint” (Document No. 105) filed September 4, 2024. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will grant the motion.

Federal Rule of Civil Procedure 15 applies to the amendment of pleadings and allows a party to amend once as a matter of course within 21 days after serving, or “if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed.R.Civ.P. 15(a)(1). Rule 15 further provides:

(2) **Other Amendments.** In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.

Fed.R.Civ.P. 15(a)(2).

By the instant motion, Defendants Brady, Tucker, Brawtus Holding, and Brawtus Management seek leave to file a Second Amended Third-Party Complaint pursuant to

Fed.R.Civ.P. 15(a)(2). (Document No. 105). Based on the motion and Third-Party Defendants' consent, the Court will allow the request to amend.

IT IS, THEREFORE, ORDERED that Defendants' "Motion For Leave To Amend Third-Party Complaint" (Document No. 105) is **GRANTED**. Defendants shall file a Second Amended Third-Party Complaint on or before **September 5, 2024**.¹

IT IS FURTHER ORDERED that Third-Party Defendants shall file an Answer, or otherwise respond to the Second Amended Third-Party Complaint, on or before **September 17, 2024**.

SO ORDERED.

Signed: September 4, 2024



David C. Keesler
United States Magistrate Judge


¹ The "Administrative Procedures Governing Filing and Service by Electronic Means," revised January 1, 2018, at Part II, Section A, Paragraph 8, provide that: "If filing a document requires leave of the Court, such as an amended complaint, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV. If the Court grants the motion, the filer will be responsible for electronically filing the document on the case docket."